

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 127aa

52nd Legislature, 1st Session, 2015

Tracking Number: .198490.1

Short Title: Development of End-of-Course Tests by Teacher

Sponsor(s): Senator Mimi Stewart

Analyst: Christina McCorquodale and David Harrell **Date:** March 6, 2015

AS AMENDED

The Senate Public Affairs Committee amendments provide that the teacher of record, the school district, or the charter school must develop or select final examinations.

The Senate Education Committee amendments:

- on page 1, line 12 add the phrase “providing for alternate demonstrations of competency for graduation” to reflect the addition of a new subsection, as noted below;
- replace “final” with “end of course final” to clarify the type of examination (see “Technical Issues,” below);
- require that end-of-course final examinations shall either be developed or be selected by the teacher of record; and
- add a new subsection “O,” which allows students to submit a portfolio of standards-based indicators as an alternate demonstration of competency (ADC) and which requires school administrators to establish procedures for determining whether the ADC meets certain criteria.

Original Bill Summary:

SB 127 amends the provisions for graduation requirements in the *Public School Code* to require (1) that final examinations be developed by the teacher of record, and (2) that a portfolio a student may use to demonstrate competency for graduation include non-assessment, standards-based indicators.

Fiscal Impact:

SB 127 does not contain an appropriation.

Substantive Issues:

Final Examinations

Currently, state law requires that final examinations be administered to all students in all classes offered for credit. SB 127 would ensure that these final exams be developed by the teacher of record and not some other party. However, that point may not reflect the full intent of the bill.

Although the text of SB 127 (see page 7, lines 16 and 17) addresses “[f]inal examinations,” the title of the bill (see page 1, lines 11 and 12) addresses “end-of-course final examinations.” It seems unclear, then, whether the intent of the bill is to affect traditional final exams, which presumably are developed by teachers of the respective classes, or end-of-course (EoC) exams, which, as noted below, are often developed by the Public Education Department (PED) and which serve different purposes – even though in practice an end-of-course exam and a traditional final exam may be one in the same.

End-of-Course Examinations

PED rule defines an EoC exam as “an exam administered to assess student content knowledge upon completion of a course.” As such, according to a memo from PED in August 2012, EoC exams can serve as demonstrations of student competency in those subjects that are not covered by the standards-based assessment: social studies and writing, for example.

The development and use of these EoC exams has been a topic of continued interest for the Legislative Education Study Committee (LESC).

- During the 2013 interim, the LESC heard testimony regarding the role of EoC exams in the evaluation of teachers participating in the pilot. One point in this testimony was that, starting in 2014, passing the EoC exams will be the primary way in which students can demonstrate competency in social studies and writing, subjects that are not assessed by the standards-based assessments. Working with committees of teachers in the summer of 2012, PED created EoC exams in six subjects and planned to develop some 30 more.
- During the 2014 interim, committee discussion of the EoC exams focused on district experiences. In response to a number of questions, district officials responded with the following points, among others:
 - EoC exams are developed by a committee of teachers across the state;
 - the EoC exams provided by PED do not cover all subjects;
 - in general, districts develop their own EoC exams only if PED does not have one for a particular subject, and other districts may use such EoC exams if they wish;
 - teachers are given a “blueprint”¹ for the courses suggesting what the EoC exams will cover, but they are not given access to the EoC exams themselves;
 - in order to graduate from high school, students may be required to take an EoC for a course in which they are not currently enrolled;

¹ Blueprints summarize the design of a test from in a table. The blueprint must include the reporting category, content of that reporting category, item counts for each answer type (multiple choice, short answer, and extended response), score points for all items in that reporting category, percent of total points in that reporting category, and number/percent of items in each Depth of Knowledge level.

- to determine cut-scores for EoC exams, one group of teachers develops the test and another group analyzes the scores with a psychometrician; and
- the districts are required to pay for the scoring of the EoC exams.

Another use of the EoC exams is in the PED rule for teacher and principal evaluation. As explained more fully under “Background,” below, EoC exams are a significant component of the evaluation system, particularly in terms of who develops them.

Alternative Demonstration of Competency

Also addressed in PED rule are the standards-based indicators that students may use in an alternative demonstration of competency (ADC). While EoC exams may satisfy the ADC criteria in some cases, there are a number of other methods that do not involve assessments:

- school-based projects such as extended papers, themes, theses, or research projects;
- performances or works of art that can be recorded in an electronic format; and
- community-based projects such as internships, service learning, pre-apprenticeship, or after-school job performance.

Before students may pursue one of these methods, however, PED rule requires that students attempt the initial demonstration of competence through the standards-based assessment where applicable.

Also according to PED rule, “school administrators shall establish local procedures for determining whether the alternate demonstration of competency:

- a. is complete and scorable;
- b. addresses the appropriate academic content standards; and
- c. be determined as adequately showing competency.”

Technical Issues:

As noted under “Substantive Issues,” above, there is a discrepancy between the title and the text of SB 127, in that the former uses the phrase “end-of-course final examinations” and the latter uses the phrase “final examinations.”

In addition, the meaning of the term “non-assessment” as a modifier of “standards-based indicators” (page 8, line 20) may be unclear. That is, does it mean indicators that are not assessments or tests, or does it mean indicators that are not assessed or measured?

Background:

The PED website provides the following guidance for the use of EoC exams in the teacher and principal evaluation system:

- PED-developed EoC exams are the primary option for use in the New Mexico Teacher Education Advisory Council (NMTEACH) evaluation system:
 - these EoC exams must be used for all components in which a district has selected an EoC exam as a student achievement option; and

- PED will continue to develop EoC exams in partnership with New Mexico educators. As these assessments are developed, they will replace districts' locally developed equivalent exams;
- district-developed and PED-approved EoC exams are the secondary option for use in the NMTEACH evaluation system:
 - these EoC exams may be used if there is not a PED-developed equivalent;
 - these exams, once approved, will be made available to statewide stakeholders for use in relevant courses;
 - the exams must adhere to the full set of criteria for EoC exams listed in the document entitled *Quality Criteria for District-Developed End-of-Course Assessments*; and
 - these may formally be adopted by PED, or may be replaced with a new PED-developed assessment;
- district-developed common assessments are the tertiary option for use in the NMTEACH evaluation system:
 - these may be used if there is not a PED-developed or district-developed/PED-approved equivalent. These course assessments must be uniform across the district and must follow the guidance for developing EoC exams listed in the guidance document noted above; and
 - districts were required to begin working on state approval of these assessments during school year 2013-2014; and
- teacher-developed assessments are the last option for use in the NMTEACH evaluation system:
 - they may be used only when the course(s) are unique to specific teachers and there are not other equivalent courses offered district or school-wide;
 - they must adhere to the same guidance as the others; and
 - the development of these assessments must have an outside reviewer from the district before they may be used as a NMTEACH EoC.

Committee Referrals:

SEC/SPAC

Related Bills:

SB 14 *Computer Programming for Language Credit*
 SB 328 *Graduation Standards to School Boards*
 HB 145 *Graduation Standards to School Boards*
 HB 165 *Remove AYP References in School Code*
 HB 178a *Career Technical Education Courses & Terms*
 HM 14 *Establish High-Quality Career Pathways*